

## REMARKS

The present amendment corrects the non-compliances noted in the last Office action.

The non-elected claims 22-25 and 32-36 have been canceled without prejudice pending filing of a divisional application.

Claim 16 has been canceled without prejudice.

The pending claims are now 17-21, of which claims 19 and 21 are independent and 17, 18, and 20 are dependent on claim 19.

Claim 21 has been indicated as allowable if rewritten in independent form, and this has been done. Thus, claim 21 is deemed allowable.

Claim 20 has been amended to cure the indefiniteness problem under §112.

Claim 19 has been rewritten in independent form and incorporates now the subject matter of its parent claim 16.

Reconsideration and withdrawal of the rejection of claims 17-20 are respectfully requested in view of the following remarks.

It will be noted that claim 19, the independent claim, recites that the first and second DC or AC current levels generated are usable to select an operating mode of the electrosurgical apparatus, and that the electrode is fixed to the handpiece, and further that the electrode is associated with the selected operating mode.

It is submitted that these features are not shown or suggested in the cited prior art. Assuming, arguendo, that Feucht does disclose fingerswitches which when operated effect the output of a distinctive control signal, as contended by the Examiner, still Feucht has not related that distinctive control signal to the electrode used or connected to the handpiece, much less to an electrode fixed to the handpiece, meaning that the handpiece is thus dedicated to a specific procedure.

The advantages are described in detail starting on Page 2, line 32 to Page 3, line 17, and again at Page 18, lines 8-11.

Nor is this teaching present in the cited Garito et al. patent.

Hence, even if the teachings of these two references were combined, arguendo, claim 19 would not be met nor suggested.


Hence, it is submitted that claim 19 is clearly non-obvious over the cited art and should be allowed.

Claims 17 and 18, and 20, being dependent on claim 19, should be allowable for the same reasons. In addition, claim 20 contains the further feature that the electrode is molded to the handpiece. This also is not shown or suggested in either of the relied on references. Hence, claim 20 is patentable over the prior art for this additional reason and should also be allowed.

An early allowance of the case is respectfully solicited.

Respectfully submitted

A. Ellman et al.

A handwritten signature in black ink, appearing to read 'J. Osher', is written over a horizontal line. The signature is stylized with a large, looped initial 'J' and a trailing flourish.

J. Osher, his attorney

Reg. No. 17317

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